THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.25694 OF 2006

DATED: 11-12-2006

Between :

S. Bosi Reddy .. Petitioner

And

1. The Commissioner of Transport, Government Of Andhra Pradesh, BRKR Building, Near Secretariat, Hyderabad; and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.25694 OF 2006

ORDER :

This writ petition is filed seeking a declaration that the order dated 12-7-2006 passed by the 2nd respondent under sub-section (5) of Section 55 of the Motor Vehicles Act, 1988 thereby cancelling the registration certificate of the vehicle bearing No.AP-16U-4307 as arbitrary and illegal.

At the outset, it is to be noted that against the impugned order a remedy of appeal is available under Section 57 of the Motor Vehicles Act, 1988 (for short, 'the Act'). Without exhausting the said alternative remedy of appeal, the petitioner cannot maintain this writ petition.

However, the learned Counsel for the petitioner contended that the Regional Transport Officer, Krishna who is the original Registering Authority alone is competent to pass order of cancellation under sub-section (5) of Section 55 of the Act and therefore the impugned order passed by the 2nd respondent is without jurisdiction.

On a careful reading of sub-sections (5) & (7) of Section 55 of the Act, I am unable to hold that under sub-section (7) of Section 55 of the Act the original Registering Authority is conferred with the power of cancellation. Sub-section (7) only provides for cancellation of relevant entries in the records. Hence, the impugned order cannot be held to be without jurisdiction.

All other contentions raised by the petitioner are on merits relating to the correctness of the findings recorded by the 2nd respondent.

Accordingly, without expressing any opinion on merits, the Writ Petition is dismissed granting leave and liberty to the petitioner to work out the remedy of appeal available under the Act. No costs.

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G. ROHINI, J.

Dt. 11-12-2006

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Note- CC in 3 days.